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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/812,100 | 03/19/2001 | Johann Schlusselbauer | 250-117 | 9671 |

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| EXAMINER | |
|---|---|
| LAZOR, MICHELLE A | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 1734 | |

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/812,100 | SCHLUSSELBAUER, JOHANN | |
| | Examiner | Art Unit | |
| | Michelle A Lazor | 1734 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) *4-10* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. *6/9/04*.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidgall et al. (U.S. Patent No. 4708621).

Schmidgall et al. disclose a method for the automatic production of hollow bodies from a mixed material, comprising: filling concrete material into a mold space between a mold core and an exterior mold in uniform distribution (Abstract); compressing the mixed material in the mold space by shaking (column 5, lines 5 – 33); forming an upper centering end by pressing an upper sprue into the unset concrete (column 6, lines 33 – 48); removing the formed molded body from the mold by vertical extraction and transport to a drying area (column 6, lines 49 – 57); assembling at least the mold core and the exterior mold by means of releasable connecting means as an assembly area previous to a mold change and transporting the assembly into a molding area as a pre-assembled assembly (Figure 2; column 4, lines 24 – 38); automatically disassembling the mold components in the molding area depending on the production requirements; reassembling the mold components in the molding area for a new mold exchange; moving the reassembled mold components away from the molding area as an assembly via a turntable; installing the individual mold components in an exchangeable housing in the assembly area; positioning the individual mold components in the molding area together

with the exchangeable housing; and automatically releasing and reactivating clamping means between the individual mold components and the exchangeable housing previous to the removal of the assembly in the molding area in accordance with the production requirements (column 3, lines 24 – 55 and column 4, lines 24 – 38). Thus Schmidgall et al. disclose all the limitations of Claims 1 and 3, and anticipate the claimed invention.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hvidegaard (WO 9857786) in view of Spragg (U.S. Patent No. 5902528).

Hvidegaard discloses a method for the automatic production of hollow bodies from a mixed material, comprising: filling concrete material into a mold space between a mold core and an exterior mold in uniform distribution; forming an upper centering end by pressing an upper sprue into the unset concrete (page 6, lines 16 – 25); assembling at least the mold core and the exterior mold by means of releasable connecting means as an assembly area previous to a mold change and transporting the assembly into a molding area as a pre-assembled assembly (page 2, lines 6 – 21; page 3, lines 1 – 5); automatically disassembling the mold components in the modeling area depending on the production requirements; reassembling the mold components in the molding area for a new mold exchange; moving the reassembled mold components away from the molding area as an assembly via a carousel (page 4, lines 15 – 30); installing the individual mold

components in an exchangeable housing in the assembly area; positioning the individual mold components in the molding area together with the exchangeable housing; and automatically releasing and reactivating clamping means between the individual mold components and the exchangeable housing previous to the removal of the assembly in the molding area in accordance with the production requirements (page 7, line 32 – page 8, line 4 and page 4, lines 15 – 30); but does not specifically disclose compressing the mixed material in the mold space by shaking, and does not disclose removing the formed molded body from the mold by vertical extraction and transport to a drying area. However, Spragg discloses using vibrating means for compressing concrete in a mold space (column 8, lines 5 – 10), and discloses removing a formed molded body from a mold by vertical extraction and transport to a drying area (column 8, lines 38 – 46). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use vibrating means for compressing concrete in a mold space to facilitate elimination of entrapped air bubbles (column 8, lines 5 – 8); and it would have been obvious to remove a formed molded body from a mold by vertical extraction and transport to a drying area so that the article can fully cure outside of the mold (column 8, lines 44 – 46).

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidgall et al. as applied in Claim 1, in view of Fischer (U.S. Patent No. 3888960).

Schmidgall et al. disclose all the limitations of Claim 1, including clamping means (column 4, lines 24 – 38) but do not specifically disclose clamping members, which are motor-operated by pressure means. However, Fischer discloses clamping members, which are motor-operated by pressure means (column 3, lines 30 – 34).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use clamping members, which are motor-operated by pressure means since it is well known and conventional to use clamps, which are motor-operated by pressure means, as shown by Fischer, and using the automated clamps would speed the production process.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hvidegaard and Spragg as applied in Claim 1, in view of Fischer.

Hvidegaard and Spragg disclose all the limitations of Claim 1, including clamping means (page 7, line 32 – page 8, line 4) but do not specifically disclose clamping members, which are motor-operated by pressure means. However, Fischer discloses clamping members, which are motor-operated by pressure means (column 3, lines 30 – 34). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use clamping members, which are motor-operated by pressure means since it is well known and conventional to use clamps, which are motor-operated by pressure means, as shown by Fischer, and using the automated clamps would speed the production process.

***Response to Arguments***

7. Regarding the objection to the drawings, in view of the arguments presented by the Applicant, the objection has been withdrawn.

8. Regarding the rejections under 35 U.S.C. §112, in view of the amendments, the rejections have been withdrawn.

9. Regarding the rejection of claims 1 and 3 under 35 U.S.C. §103(a), Examiner respectfully disagrees. Hvidegaard teaches the exterior molds or the framework to be

movable, where the support device comprises means for alternately moving the first and the second frames with outer moulds mounted therein to their casting positions (page 4, lines 15 – 30). Therefore the exterior mold and mold core are considered to be an in assembly area prior to the mold exchange by the fact that while one set of molds is being filled, the other is considered to be in a stand-by or assembly position.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Steiro (U.S. Patent No. 4039642) disclose a method for producing hollow bodies from concrete using a mold core and an exterior mold (Abstract).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle A Lazor whose telephone number is 571-272-1232. The examiner can normally be reached on Mon - Wed 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAL
6/9/04

MICHAEL P. COLAIANNI
SUPERVISORY PATENT EXAMINER